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FILED

NOV 12 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID R. QUINONEZ,

Plaintiff,

v.

BEARD, et al.,

Defendants.

No. C 13-03637 HRL (PR)

ORDER OF DISMISSAL

On August 6, 2013, Plaintiff, a state prisoner proceeding pro se, filed a motion for emergency injunctive relief which initiated these proceedings pursuant to 42 U.S.C. § 1983. (Docket No. 1.) On the same day, the Clerk sent Plaintiff a notice that he must submit a complaint within twenty-eight days of the notice to avoid dismissal of the action, and provided a copy of the court's form complaint. (Docket No. 3.) Plaintiff was separately sent a notice that he must either pay the full filing fee or file an In Forma Pauperis ("IFP") Application within twenty-eight days to avoid dismissal of the action; a copy of the application was provided. (Docket No. 2.) On August 29, 2013, Plaintiff filed a complaint and consented to having magistrate jurisdiction. (Docket Nos. 5, 6.) On September 3, 2013, in response to Plaintiff's letter dated August 15, 2013, a letter was sent to Plaintiff notifying him that a complete IFP application was due by September 13, 2013, and directing him to request an extension of time if necessary. The deadline has

1 since passed, and Plaintiff has neither paid the filing fee nor filed the necessary
2 documents to complete his IFP application.

3 Accordingly, this case is **DISMISSED** without prejudice for failure to pay the
4 filing fee.

5 **IT IS SO ORDERED.**

6 DATED: 11/12/13


7 HOWARD R. LLOYD
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
FOR THE
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DAVID R QUINONEZ,

Plaintiff,

v.

BEARD, et al.,

Defendants.

Case Number: CV13-03637 HRL

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/12/13, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David R. Quinonez F82126
CTF/North
P.O. Box 705
Soledad, CA 93960-0705

Dated: 11/12/13


Richard W. Wieking, Clerk